

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK**

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In re:

Chapter 11

AGAINST THE GRAIN HOLDINGS LLC, *et al.* <sup>1</sup>

Case No. 24-10151 (CLB)

Debtor.

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(Jointly Administered)

**ORDER AUTHORIZING THE RETENTION AND EMPLOYMENT OF  
HODGSON RUSS LLP, AS COUNSEL TO DEBTORS AND  
DEBTORS-IN-POSSESSION PURSUANT TO 11 U.S.C. § 327(a)**

Upon the application of the above-captioned Debtors for the entry of an order authorizing the retention and employment of Hodgson Russ LLP (“Hodgson”) as counsel to Debtors, effective *nunc pro tunc* as of the Petition Date<sup>2</sup>, pursuant to Section 327 of the Bankruptcy Code (the “Application”) and upon the Declarations of James C. Thoman, Esq., (the “Declaration”), made pursuant to 28 U.S.C. § 1746 and §§ 327, 329 and 504 of title 11 of the United States Code (the “Bankruptcy Code”) and in accordance with Rules 2014(a) and 2016 of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”), after due deliberation, having jurisdiction to consider the relief requested therein in accordance with 28 U.S.C. Section 1334(b) and having found (i) that notice of the Application was proper; (ii) that Hodgson holds no interest adverse to Debtors with respect to the matters upon which they are to be engaged; (iii) that Hodgson is a disinterested party under section 101(14) of the Bankruptcy Code; and (iv) that after due deliberation and sufficient cause appearing therefore, the retention of Hodgson as

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of the Debtors federal tax identification number (if applicable), are: Against the Grain Holdings LLC (2413), Hatchets and Hops LLC (8431), Hatchets and Hops Black Rock LLC (9657), Hatchets and Hops Brooklyn LLC (5742) and Andrew R. Piechowicz (1618). The mailing address for the Debtors is 505 Main Street, Buffalo, New York 14205.

<sup>2</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the Application.

(02)

counsel to the Debtor is appropriate and beneficial, now therefor,

**IT IS HEREBY ORDERED THAT:**

1. The Application is granted to the extent provided herein and the Debtors are authorized to employ and retain Hodgson pursuant to Section 327(a) of the Bankruptcy Code effective *nunc pro tunc* as of the Petition Date.

2. To the extent the Application is inconsistent with this Order, the terms of this Order shall govern. The Bankruptcy Code, Bankruptcy Rules, Local Rules of this Court and any Order of this Court shall govern over any contrary provision of Hodgson's engagement letter with the Debtors. Hodgson shall, whenever possible, allocate its time charges among the Debtors to reflect the work done for each Debtor or Debtors.

3. That the Court shall retain jurisdiction to hear and to determine all matters arising from or related to implementation of this Order.

4. That Hodgson shall be compensated for fees and reimbursed for reasonable and necessary expenses and will file interim and final fee applications for allowance of its compensation and expenses in accordance with sections 330 and 331 of the Bankruptcy Code, the Bankruptcy Rules, the Local Rules, and the United States Trustee Fee Guidelines.

5. That ten business days' notice must be provided by Hodgson to the Debtor, the United States Trustee and any official committee prior to any increases in the rates set forth in the Declaration, and such notice must be filed with the Court.

6. That Hodgson shall apply any remaining amounts of its prepetition

retainer as a credit toward post-petition fees and expenses, after such post-petition fees and expenses are approved pursuant to the first Order of the Court awarding fees and expenses to Hodgson.

Dated: Buffalo, New York  
March 18, 2024



Hon. Carl L. Bucki, Chief U.S.B.J.

